

State of Arizona  
Senate  
Forty-eighth Legislature  
First Regular Session  
2007

# SENATE BILL 1328

AN ACT

AMENDING SECTION 33-421, ARIZONA REVISED STATUTES; RELATING TO CONVEYANCES  
AND DEEDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 33-421, Arizona Revised Statutes, is amended to  
3 read:

4 33-421. Recording of liens

5 A. A nonconsensual lien, other than a lien recorded by a governmental  
6 entity or political subdivision or agency, a validly licensed utility or  
7 water delivery company, a mechanics' lien claimant or an entity created under  
8 covenants, conditions, restrictions or declarations affecting real property,  
9 ~~is not valid~~ **SHALL NOT BE RECORDED** unless the lien is accompanied by an order  
10 or judgment from a court of competent jurisdiction authorizing the filing of  
11 the lien ~~and does not have the force or effect of law.~~

12 B. If a nonconsensual lien is accepted for recording as described in  
13 subsection A, the recording officer shall accept for recording a notice of  
14 invalid lien that is signed and submitted by the attorney general or county  
15 attorney. The attorney general or county attorney shall mail a copy of the  
16 notice of invalid lien to the person who is designated as creditor and to the  
17 person who recorded the nonconsensual lien at the address of each as stated  
18 on the recorded document. The purported lien is conclusively presumed to be  
19 invalid when the invalid lien is recorded.

20 **C. THE COUNTY RECORDER SHALL NOT RECORD ANY LIEN EXCEPT AS PRESCRIBED**  
21 **IN SUBSECTION A UNLESS THE LIEN IS CONSENSUAL AND ACCOMPANIED BY THE**  
22 **NOTARIZED SIGNATURE OF THE DEBTOR ON A DOCUMENT ACKNOWLEDGING THE FILING AND**  
23 **RECORDING OF THE LIEN.**

24 ~~C.~~ D. A recording officer or a county is not liable for accepting for  
25 recording a ~~nonconsensual~~ lien pursuant to ~~subsection A or a notice of~~  
26 ~~invalid lien pursuant to subsection B~~ **THIS SECTION.**

27 ~~D.~~ E. A nonconsensual lien that is recorded with the county recorder  
28 and that is not recorded by an authorized entity pursuant to subsection A or  
29 that is not ordered by the superior court does not affect the marketability  
30 of title to the real property described in the nonconsensual lien and shall  
31 not constitute actual or constructive notice of any of the matters contained  
32 in the lien.